

JUDGE BATTS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

09 CIV 9000

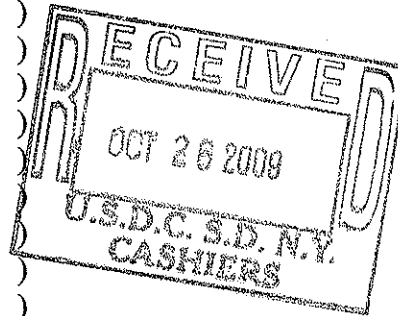
MRS. JELLO, LLC,

Plaintiff,

v.

TUCOWS (DELAWARE) INC. AND  
TUCOWS.COM, CO.  
d/b/a 123CHEAPDOMAINS.COM,

Defendants.



**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff Mrs. Jello, LLC (hereinafter referred to as “MJ” or “Plaintiff”), by its attorneys, Kenyon & Kenyon LLP, as and for its Complaint against defendants Tucows (Delaware) Inc. and Tucows.com, Co. d/b/a 123CheapDomains.com and (hereinafter collectively referred to as “Tucows” or “Defendant”), alleges as follows, upon knowledge with respect to itself and its own acts, and upon information and belief as to all other matters:

**NATURE OF ACTION**

1. This is a dispute concerning ownership of the domain name <www.w9.com> (the “Domain Name”). On or about September 30, 2009, MJ purchased the Domain Name for \$20,000. MJ’s ownership is partially evidenced by a true and correct copy of the WHOIS report attached as Exhibit A.

2. Defendant Tucows, the former registrar for the Domain Name, has engaged in a campaign to harass and intimidate MJ into transferring the Domain Name to it, alleging that the previous registrant of the Domain Name, a long time customer, did

not authorize the September 30, 2009 sale. Tucows has gone so far as to strong-arm MJ's registrar, Moniker Online Services, LLC ("Moniker") into transferring the Domain Name without MJ's authorization or consent.

3. This is an action for declaratory judgment. By this action for declaratory relief, MJ seeks to eliminate any doubt that it is the rightful owner of the Domain Name. In addition, MJ seeks a judgment against Defendant for tortious interference with prospective business relations.

### **JURISDICTION AND VENUE**

4. This Action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201 and state common law. This court has jurisdiction under 28 U.S.C. § 1332 because the parties have diverse citizenship and the amount in controversy exceeds \$75,000.

### **THE PARTIES**

5. Plaintiff MJ is a limited liability company organized under the laws of the State of New Jersey, with a principal place of business in Livingston, New Jersey.

6. On information and belief, Defendant Tucows.com, Co. is a company organized and existing under the laws of the country of Canada, with its principal place of business in Toronto, Canada. On information and belief, Defendant Tucows.com, Co. is a wholly owned subsidiary of Defendant Tucows (Delaware) Inc., which is a Delaware corporation. On information and belief, Defendant Tucows (Delaware) Inc., in turn, is a wholly owned subsidiary of Tucows, Inc., a Pennsylvania corporation.

7. On information and belief, Tucows has engaged in continuous and systematic business in New York and within this judicial district.

### **BACKGROUND OF THE CONTROVERSY**

8. MJ is a leading Internet development company. It develops its own Internet properties, Internet portals and technology.

9. As part of its business, Plaintiff is the owner of approximately 30,000 domain names. Plaintiff's core business involves the acquisition of domain names that incorporate generic and common words or phrases and the subsequent commercial development of those domain names by means of click-through revenue.

10. Plaintiff first acquires domain names that incorporate common or generic words or phrases. Plaintiff then uses sophisticated proprietary software to select hyperlinks to post on its domain names to maximize "click through" revenue from such links. For example, the Domain Name features links related to income taxes, *inter alia*, due to the strong association between "w9" and the well-known Internal Revenue Service's "W-9 Form". (True and correct copies of print-outs from the website under the Domain Name are attached hereto as Exhibit B.) Plaintiff acquires previously created domain names via public auctions and direct negotiation with prior registrants.

11. On or about September 28, 2009, an individual using the e-mail address, g3@w9.com, and identifying himself as Gary Grenz, sent an e-mail to MJ, offering to sell the Domain Name. The e-mail address g3@w9.com was the same e-mail address listed on the WHOIS report for the Domain Name. After directly negotiating over e-mail, the party representing himself as the registrant agreed to sell the Domain Name to MJ for \$20,000. On or about September 30, 2009, MJ wired the funds, and the sale was executed via Escrow.com. True and correct copies of the parties' correspondence are attached hereto as Exhibit C.

12. On or about September 30, 2009, MJ received an email from g3@w9.com. The September 30, 2009 e-mail provided MJ with the "auth-code" necessary to

consummate the transfer of the Domain Name to MJ. A true and correct copy of the September 30, 2009 e-mail is attached hereto as Exhibit D.

13. On or about October 1, 2009, MJ received an e-mail from Tucows, which provided the username and password combination for the Domain Name, allowing MJ to have control over the Domain Name. The October 1, 2009 e-mail from Tucows listed the following warning: "NOTE: Please keep this information strictly secret. Anyone with access to the login/password can change all information regarding this domain, including ownership." A true and correct copy of the October 1, 2009 e-mail is attached hereto as Exhibit E.

14. Although MJ acquired the Domain Name for value and Tucows provided MJ with the necessary username and password to control the Domain Name, on or about October 12, 2009, Tucows sent MJ an e-mail alleging that MJ bought the Domain Name from "someone who illegally sold it." Tucows claimed that "someone" accessed Mr. Grenz's e-mail account, gw3@w9.com, to obtain Mr. Grenz's username and password for the Domain Name. In light of Tucows' allegations, it requested that MJ transfer the Domain Name to the "real" Gary Grenz and provide "details who illegally sold you the domain so we can take legal action against them". A true and correct copy of the October 12, 2009 e-mail is attached hereto as Exhibit F.

15. On or about October 13, 2009, MJ promptly provided Tucows with the requested information, including MJ's receipt from Escrow.com, regarding the party who sold the Domain Name to MJ. Moreover, MJ stated that it would be willing to transfer the Domain Name, provided that it would be compensated for the price it paid for the Domain Name. A true and correct copy of the October 13, 2009 e-mail is attached hereto as Exhibit G.

16. Defendant has not alleged that MJ “hijacked” its customer’s e-mail account or had any role whatsoever in the alleged “hijacking” of its customer’s e-mail or any accounts under Tucows’ control.

17. On or about October 13, 2009, Tucows e-mailed Moniker, MJ’s registrar, without copying MJ, alleging that MJ did not “do all the appropriate steps” for acquiring the Domain Name. Moniker forwarded Tucows’ October 13, 2009 e-mail to MJ. On or about October 13, 2009, Tucows e-mailed Moniker again, this time copying MJ on the communication, asking if Moniker “can . . . do anything regarding this hijacked domain situation?” True and correct copies of the parties’ correspondence are attached hereto as Exhibit H.

18. Unwilling to accept that Plaintiff is the rightful owner of the Domain Name, Defendant initiated a course of conduct designed to intimidate it and Moniker, the registrar of record, into transferring the Domain Name.

19. Further, Defendant’s allegations are an attempt to strong-arm Plaintiff and interfere with Plaintiff’s prospective business relations.

20. As a result of Defendant’s conduct outlined herein, Defendant has caused injury to MJ’s reputation as a legitimate business and domain name registrant and has harmed its relationship with its customers.

## COUNT I

### **DECLARATION THAT PLAINTIFF IS THE OWNER OF THE DOMAIN NAME**

21. MJ repeats and realleges each and every allegation contained in paragraphs 1 through 20 of this Complaint as though fully set forth herein.

22. By reason of the existence of an actual and justiciable controversy as discussed herein, MJ is entitled to a declaratory judgment that it is the rightful owner of

the Domain Name. Accordingly, MJ seeks a declaration of the Court that it is the rightful owner of the Domain Name.

## **COUNT II**

### **TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONS**

23. MJ repeats and realleges each and every allegation contained in paragraphs 1 through 22 of this Complaint as though fully set forth herein.

24. At all relevant times, Defendant was aware of the business relations between MJ and its customers and potential customers.

25. Despite such knowledge, Defendant purposely, wrongfully and/or unlawfully interfered with MJ's business relations, by, for example, intentionally harassing its registrar, Moniker, as a calculated attempt to induce the wrongful transfer of the Domain Name.

26. Defendant acted for the sole purpose of inflicting intentional harm on MJ.

27. By launching an aggressive campaign against MJ that constitutes reverse domain name hijacking, Defendant has harmed MJ's reputation as a legitimate business and domain name registrant. As a direct and proximate cause of Defendant's tortious conduct, MJ has suffered, and will continue to suffer, monetary damage, loss and injury, in an amount to be determined at trial.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff MJ demands judgment against Defendant Tucows for:

- A. a declaration of the Court that MJ is the rightful owner of the Domain Name;
- B. an injunction restraining and enjoining Defendant and each of its officers, agents, servants, employees and attorneys, and persons acting in concert or participation

with them who receive actual notice of the Order by personal service or otherwise, from tortiously interfering with MJ's prospective business relations, and any and all damages including consequential, incidental and punitive damages which Plaintiff may have sustained;

C. requiring Defendant to account and pay over to MJ all damages sustained by MJ;

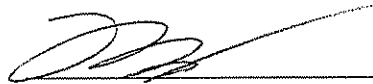
D. an award of costs and reasonable attorneys' fees; and

E. such other and further relief as the Court may deem equitable and proper.

Dated: October 26, 2009

KENYON & KENYON LLP

By:



James E. Rosini (JR 7791)

Mimi K. Rupp (MR 0007)

One Broadway

New York, New York 10004

(212) 425-7200

Attorneys for Plaintiff

Mrs. Jello, LLC

# **EXHIBIT A**



TrafficZ DomainTools LeaseThis.com

Show Summary View

Guest! Login/Join



Whois | Domain Search | Domain Suggestions | For Sale | Sales History | Auction Search | Aftermarket.com Live Auctions | Domain Monitor |  
Domain Directory | Ping | Traceroute | My IP Address | Domain Parking | Cheap Domain Name Registration | Bulk Check | Domain Typo Generator | more> |  
Power Tools | Reverse IP | Domain History | Mark Alert | Name Server Spy | Hosting History | Registrant Search | Registrant Alert

Ads by Google

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Find A Certified Public Accountant Near You.  
For Free.  
www.GoodAccountants.com

**Stop The Tax Harassment**

Enjoy Financial Freedom FREE One Step  
Application!  
www.ExpertTaxAdvice.net

**File Past Year Tax 2007**

Do Your 2006, 2007, 2008 Tax Online Past Tax  
Free to Try! Easy & Fast  
www.PastYearTax.com

## w9.com Whois Record ( w 9 )

Whois Record Site Profile Registration Server Stats

### Whois Record

w9.com is for sale  
The owner of the domain you are researching has it listed for sale for \$0.  
[Buy w9.com now >](#)

Registrant Search: "Domain Admin" owns about 155,615 other domains  
Email Search: [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net) is associated with about 20,353 domains  
Registrar History: 2 transfers with 2 drops.  
NS History: 2 changes on 3 unique name servers over 7 years.  
IP History: 3 changes on 4 unique name servers over 4 years.  
Whois History: 18 records have been archived since 2001-05-08.  
Reverse IP: 109,092 other sites hosted on this server.  
Free Tool: [Download DomainTools for Windows](#)

Domain Name: w9.com  
Registrar: MONIKER

Registrant (2602):  
Domain Admin [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
Mrs Jello, LLC  
PO BOX 120  
Livingston  
NJ  
07039  
US

Administrative Contact (2602):  
Domain Admin [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
Mrs Jello, LLC  
PO BOX 120  
Livingston  
NJ  
07039  
US  
Phone: +1.9735331060  
Fax: +1.6039547968

Billing Contact (2602):  
Domain Admin [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
Mrs Jello, LLC  
PO BOX 120  
Livingston  
NJ  
07039  
US  
Phone: +1.9735331060  
Fax: +1.6039547968

Technical Contact (2602):  
Domain Admin [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
Mrs Jello, LLC  
PO BOX 120  
Livingston  
NJ  
07039  
US  
Phone: +1.9735331060  
Fax: +1.6039547968

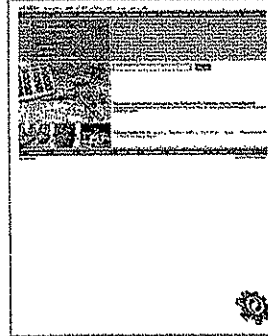
#### Domain servers in listed order:

NS1.PARKINGSIPA.COM  
NS2.PARKINGSIPA.COM

Record created on: 1996-05-25 00:00:00.0  
Database last updated on: 2009-10-16 13:19:46.363  
Domain Expires on: 2011-05-16 00:00:00.0

Domain name: w9.com

Thumbnail: 2009-10-10



Country TLDs General TLDs

ws.com  
ws.net  
ws.org  
ws.uk  
ws.info  
ws.us

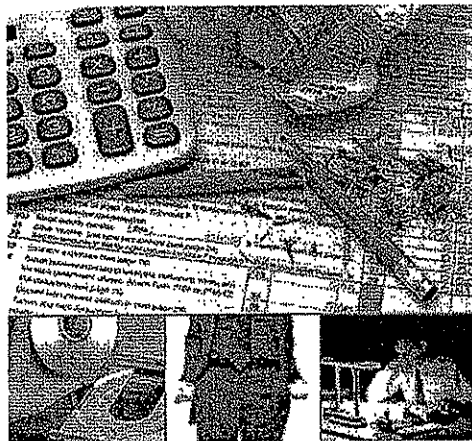
Memberships | Roundtable | Blog | Registrant Search | Hosting Metrics | Stock Ticker | Download | Whois | Cheap Registrar | Site Map

## **EXHIBIT B**

W9.COM | If you don't drink, smoke, or drive a car, you're a tax evader

1099 Tax Form | W 2 Form | Federal Income Tax Form | Income Tax Form | 2005 Tax Form | W2 | Federal IRS Form | Form Are

- W9 TAX FORM
- ONLINE FEDERAL TAX FORM
- FEDERAL TAX FORM
- W2 TAX FORM
- TAX FORM
- IRS FORM
- IRS INCOME TAX FORM



Tax forms, instructions, publications, tax tables, rate schedules, charts, worksheets & answers to practically every tax question. Tips on how to survive and strategies on how to avoid an audit.

Related Topics: IRS Tax Form | IRS Form 1099 | Form SS 4 | 10 Q | State Tax Form  
| Free W 2 Form Online

Free Form | 501c3 Form | Printable Tax Form | About 1099 | Form 1099 | IRS Government Form | W2 Form | W4 Tax Form

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W9.COM | If you don't drink, smoke, or drive a car, you're a tax evader

1099 Tax Form | W 2 Form | Federal Income Tax Form | Income Tax Form | 2005 Tax Form | W2 | Federal IRS Form | Form Are

- W9 TAX FORM
- ONLINE FEDERAL TAX FORM
- FEDERAL TAX FORM
- W2 TAX FORM
- TAX FORM
- IRS FORM
- IRS INCOME TAX FORM



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Guide Of 1099 Tax Form Deals. Find 1099 Tax Forms Info Instantly.  
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<http://www.ask.com/>

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Easy software, Big Refunds, Free! Start Today. IRS Tax Partner.  
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- W9 Tax Form
- Online Federal Tax Form
- Federal Tax Form
- W2 Tax Form
- Tax Form
- IRS Form
- IRS Income Tax Form
- 1099 Tax Form
- W 2 Form
- Federal Income Tax Form
- Income Tax Form
- 2005 Tax Form
- W2
- Federal IRS Form
- Form Are
- Free Form
- 501c3 Form
- Printable Tax Form
- About 1099
- Form 1099
- IRS Government Form
- W2 Form
- W4 Tax Form
- IRS Tax Form
- IRS Form 1099

Free Form | 501c3 Form | Printable Tax Form | About 1099 | Form 1099 | IRS Government Form | W2 Form | W4 Tax Form

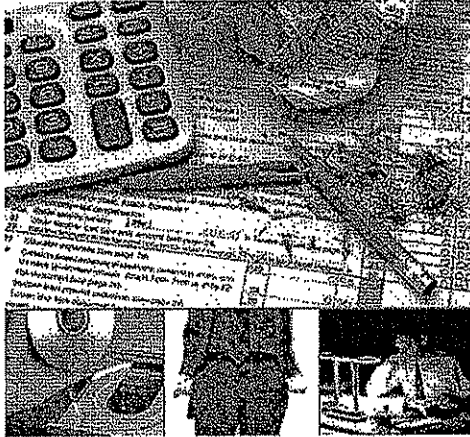
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W9.COM | If you don't drink, smoke, or drive a car, you're a tax evader

1099 Tax Form | W 2 Form | Federal Income Tax Form | Income Tax Form | 2005 Tax Form | W2 | Federal IRS Form | Form Are

- W9 TAX FORM
- ONLINE FEDERAL TAX FORM
- FEDERAL TAX FORM
- W2 TAX FORM
- TAX FORM
- IRS FORM
- IRS INCOME TAX FORM



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Get Your Tax Refund in 1-2 Days - Quick & Easy - Free Live Support.  
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#### **Federal Tax Form**

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<http://www.fool.com/>

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<http://www.CatalogLink.com/>

#### **Online Federal Tax Form**

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<http://www.business.com/>

#### **Federal Tax Form**

Get All Information On federal tax form  
<http://FederalTaxLaws.info/>



- Online Federal Tax
- Form
- Tax Form
- Federal IRS Form
- Form Are
- Federal Tax Form
- Free Form
- 501c3 Form
- Printable Tax Form
- About 1099
- IRS Form
- Form 1099
- IRS Government
- Form
- W2 Form
- W4 Tax Form
- IRS Tax Form
- IRS Form 1099
- Income Tax Form
- Form SS 4
- 10 Q
- State Tax Form
- 1099 Tax Form
- Free W 2 Form
- Online
- Online Tax Form
- Tax Exemption
- Form
- Federal Income Tax
- Form

Free Form | 501c3 Form | Printable Tax Form | About 1099 | Form 1099 | IRS Government Form | W2 Form | W4 Tax Form

Disclaimer

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## **EXHIBIT C**

**Rupp, Mimi**

---

**From:** Gary Grenz [g3@w9.com]  
**Sent:** Monday, September 28, 2009 3:13 PM  
**To:** domainadmin@exoticdomains.net  
**Subject:** W9.com is for sale

This domain is for sale, please reply if interesting...

10/26/2009

Rupp, Mimi

---

From: steve.rice@privatetool.com  
Sent: Monday, September 28, 2009 3:52 PM  
To: Domain Admin  
Subject: Re: SPAM-LOW: RE: W9.com is for sale

20K

200visit/day

> price/stats?

>

>

>

>

> From: Gary Grenz [mailto:g3@w9.com]

> Sent: Monday, September 28, 2009 3:13 PM

> To: domainadmin@exoticdomains.net

> Subject: W9.com is for sale

>

>

> This domain is for sale, please reply if interesting...

>

>

>



**Rupp, Mimi**

---

**From:** Gary Grenz [g3@w9.com]  
**Sent:** Monday, September 28, 2009 4:05 PM  
**To:** Domain Admin  
**Subject:** Re: SPAM-LOW: RE: W9.com is for sale

Let me know if intersted.

Regards,

> price/stats?  
>  
>  
>  
> \_\_\_\_\_  
> From: Gary Grenz [mailto:g3@w9.com]  
> Sent: Monday, September 28, 2009 3:13 PM  
> To: [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
> Subject: W9.com is for sale  
>  
>  
> This domain is for sale, please reply if interesting...  
>  
>  
>

10/26/2009

Rupp, Mimi

---

**From:** Gary Grenz [g3@w9.com]  
**Sent:** Wednesday, September 30, 2009 11:14 AM  
**To:** Gary Grenz  
**Subject:** RE: SPAM-LOW: RE: W9.com is for sale

Let me know as soon as possible please , need to decide regarding auction or private sale!

---

**From:** "Gary Grenz" <g3@w9.com>  
**Sent:** Wednesday, September 30, 2009 8:04 AM  
**To:** "Domain Admin" <domainadmin@exoticdomains.net>  
**Subject:** RE: SPAM-LOW: RE: W9.com is for sale

Hi,

Looking for 20K, Escrow fee 50 50

Regards

> Sorry for the delay... Swamped...  
>  
> What is the takeitorleaveit price today?  
>  
> -----Original Message-----  
> From: [steve.rice@privatetool.com](mailto:steve.rice@privatetool.com) [mailto:steve.rice@privatetool.com]  
> Sent: Wednesday, September 30, 2009 10:50 AM  
> To: Domain Admin  
> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>  
> It's seems you are not intersted in buying this name..so I'm going to add  
> to moniker auction.  
>  
> Regards,  
>  
>> What is the % of french traffic?  
>>  
>>  
>> -----Original Message-----  
>> From: [steve.rice@privatetool.com](mailto:steve.rice@privatetool.com) [mailto:steve.rice@privatetool.com]  
>> Sent: Monday, September 28, 2009 5:25 PM  
>> To: Domain Admin  
>> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>>  
>> Dear,  
>>  
>> yes, becuse W9 (TV channel), a French television channel ( W9.FR )  
>> ALSO w9 is Air Bagan IATA code and IRS Form W9 .....  
>>  
>>  
>>

10/26/2009

>> Let me know.  
>>  
>> Regards,  
>>  
>>>  
>>> researching... looks like a lots of traffic is coming from france...  
>>> correct?  
>>>  
>>>  
>>> \_\_\_\_\_  
>>> From: Gary Grenz [mailto:g3@w9.com]  
>>> Sent: Monday, September 28, 2009 4:05 PM  
>>> To: Domain Admin  
>>> Subject: Re: SPAM-LOW: RE: W9.com is for sale  
>>>  
>>>  
>>> Let me know if intersted.  
>>>  
>>>  
>>> Regards,  
>>>  
>>>  
>>>> price/stats?  
>>>>  
>>>>  
>>>> \_\_\_\_\_  
>>>> From: Gary Grenz [mailto:g3@w9.com]  
>>>> Sent: Monday, September 28, 2009 3:13 PM  
>>>> To: [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
>>>> Subject: W9.com is for sale  
>>>>  
>>>>  
>>>> This domain is for sale, please reply if interesting...  
>>>>  
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>

10/26/2009

Rupp, Mimi

---

**From:** Gary Grenz [g3@w9.com]  
**Sent:** Wednesday, September 30, 2009 12:13 PM  
**To:** domainadmin@exoticdomains.net  
**Subject:** RE: SPAM-LOW: RE: W9.com is for sale

Ok,

Please confirm it from your end, What's your registrar?How long take to send money?

Regards,

> ok, i will take it  
>  
> escrow [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
>  
> \_\_\_\_\_  
> From: Gary Grenz [mailto:g3@w9.com]  
> Sent: Wednesday, September 30, 2009 11:14 AM  
> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>  
>  
>  
> Let me know as soon as possible please , need to decide regarding auction  
> or  
> private sale!  
>  
>  
>  
> \_\_\_\_\_  
> From: "Gary Grenz" <g3@w9.com>  
> Sent: Wednesday, September 30, 2009 8:04 AM  
> To: "Domain Admin" <[domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)>  
> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>  
> Hi,  
>  
>  
> Looking for 20K, Escrow fee 50 50  
>  
>  
> Regards  
>  
>  
>  
>> Sorry for the delay... Swamped...  
>>  
>> What is the takeitorleaveit price today?  
>>

10/26/2009

>> -----Original Message-----

>> From: [steve.rice@privatetool.com](mailto:steve.rice@privatetool.com) [mailto:steve.rice@privatetool.com]

>> Sent: Wednesday, September 30, 2009 10:50 AM

>> To: Domain Admin

>> Subject: RE: SPAM-LOW: RE: W9.com is for sale

>>

>> It's seems you are not intersted in buying this name..so i'm going to

>> add

>> to moniker auction.

>>

>> Regards,

>>

>>> What is the % of french traffic?

>>>

>>>

>>> -----Original Message-----

>>> From: [steve.rice@privatetool.com](mailto:steve.rice@privatetool.com) [mailto:steve.rice@privatetool.com]

>>> Sent: Monday, September 28, 2009 5:25 PM

>>> To: Domain Admin

>>> Subject: RE: SPAM-LOW: RE: W9.com is for sale

>>>

>>> Dear,

>>>

>>> yes, becuse W9 (TV channel), a French television channel ( W9.FR )

>>> ALSO w9 is Air Bagan IATA code and IRS Form W9 .....

>>>

>>>

>>>

>>> Let me know.

>>>

>>> Regards,

>>>

>>>>

>>>> researching... looks like a lots of traffic is coming from france...

>>>> correct?

>>>>

>>>>

>>>> -----

>>>>

>>>> From: Gary Grenz [mailto:g3@w9.com]

>>>> Sent: Monday, September 28, 2009 4:05 PM

>>>> To: Domain Admin

>>>> Subject: Re: SPAM-LOW: RE: W9.com is for sale

>>>>

>>>>

>>>> Let me know if intersted.

>>>>

>>>>

>>>> Regards,

>>>>

>>>>

>>>>> price/stats?

>>>>>

>>>>>

>>>>> -----

>>>>>

>>>>> From: Gary Grenz [mailto:g3@w9.com]

>>>>> Sent: Monday, September 28, 2009 3:13 PM

>>>>> To: [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)

>>>>> Subject: W9.com is for sale

>>>>>

10/26/2009

>>>>>  
>>>>> This domain is for sale, please reply if interesting...  
>>>>>  
>>>>>  
>>>>>  
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>>>>  
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10/26/2009

Rupp, Mimi

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From: Gary Grenz [g3@w9.com]  
Sent: Wednesday, September 30, 2009 1:11 PM  
To: domainadmin@exoticdomains.net  
Subject: RE: SPAM-LOW: RE: W9.com is for sale

Dear Igal,

Domain Unlocked, and EPP+Email Change will done after escrow received money.

Regards,

> wire was done - should be cleared by escrow today  
>  
> i will transfer it to moniker.com  
>  
> you need to  
>  
> 1. change admin email to [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
> 2. unlock it  
> 3. provide me with EPP transfer code  
>  
> thank you  
>  
> Igal  
>  
> \_\_\_\_\_  
>  
> From: Gary Grenz [mailto:g3@w9.com]  
> Sent: Wednesday, September 30, 2009 12:13 PM  
> To: [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)  
> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>  
>  
>  
>  
> Ok,  
>  
> Please confirm it from your end, What's your registrar?How long take to  
> send  
> money?  
>  
>  
>  
> Regards,  
>  
>  
>> ok, i will take it  
>>  
>> escrow [domainadmin@exoticdomains.net](mailto:domainadmin@exoticdomains.net)

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>>  
>> \_\_\_\_\_  
>>  
>> From: Gary Grenz [mailto:g3@w9.com]  
>> Sent: Wednesday, September 30, 2009 11:14 AM  
>> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>>  
>>  
>>  
>> Let me know as soon as possible please , need to decide regarding  
>> auction  
>> or  
>> private sale!  
>>  
>>  
>> \_\_\_\_\_  
>>  
>> From: "Gary Grenz" <g3@w9.com>  
>> Sent: Wednesday, September 30, 2009 8:04 AM  
>> To: "Domain Admin" <domainadmin@exoticdomains.net>  
>> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>>  
>> Hi,  
>>  
>>  
>> Looking for 20K, Escrow fee 50 50  
>>  
>>  
>> Regards  
>>  
>>  
>>  
>>> Sorry for the delay... Swamped...  
>>>  
>>> What is the takeitorleaveit price today?  
>>>  
>>> -----Original Message-----  
>>> From: [steve.rice@privatetool.com](mailto:steve.rice@privatetool.com) [mailto:steve.rice@privatetool.com]  
>>> Sent: Wednesday, September 30, 2009 10:50 AM  
>>> To: Domain Admin  
>>> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>>>  
>>> It's seems you are not intersted in buying this name..so i'm going to  
>>> add  
>>> to moniker auction.  
>>>  
>>> Regards,  
>>>  
>>>> What is the % of french traffic?  
>>>>  
>>>>  
>>>> -----Original Message-----  
>>>> From: [steve.rice@privatetool.com](mailto:steve.rice@privatetool.com) [mailto:steve.rice@privatetool.com]  
>>>> Sent: Monday, September 28, 2009 5:25 PM  
>>>> To: Domain Admin  
>>>> Subject: RE: SPAM-LOW: RE: W9.com is for sale  
>>>>  
>>>> Dear,  
>>>>  
>>>> yes, becuse W9 (TV channel), a French television channel ( W9.FR )

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10/26/2009

## **EXHIBIT D**

**Rupp, Mimi**

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**From:** Gary Grenz [g3@w9.com]  
**Sent:** Wednesday, September 30, 2009 5:25 PM  
**To:** domainadmin@exoticdomains.net  
**Subject:** Domain name: w9.com

Dear Igal,

auth-code for w9.com is: REDACTED Domain unlocked , and email updated to  
domainadmin@exoticdomains.net (take few minutes to update in whois servers, but you can send request, i'll  
confirm it if confirmation sent to old email address on whois, otherwise it will send to  
domainadmin@exoticdomains.net )

Best Regards,

10/26/2009

# **EXHIBIT E**

Rupp, Mimi

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From: help@123cheapdomains.com  
Sent: Thursday, October 01, 2009 5:15 PM  
To: domainadmin@exoticdomains.net  
Subject: Login Information for w9.com

This note contains the login information necessary to manage your domain.

NOTE: Please keep this information strictly secret. Anyone with access to the login/password can change all information regarding this domain, including ownership.

The username and password combination for w9.com is:

Domain: .  
Username: REDACTED  
Password:

You can login directly at:

<https://www.123cheapdomains.com/domain-registration/manage-domains.html>

Note: Your lost/forgotten passwords can only be sent to your "admin email contact" listed in your domain's whois record. Please always keep the admin email contact up-to-date inside your Domain Manager to ensure that you can readily retrieve your login information via our lost password tool.

Also, please always keep the "billing email address" current inside Domain Manager as well. The "billing email address" on file is where your domain renewal reminders will be sent. These reminder notices are sent via email only, and are sent 60 days, 30 days, and 1 week before the domain's expiration date.

Thank you for choosing:  
<http://123cheapdomains.com>

The username and password combination for w9.com is:

Username: REDACTED  
Password:

# **EXHIBIT F**

Rupp, Mimi

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**From:** 123CheapDomains.com Support [help@123cheapdomains.com]  
**Sent:** Monday, October 12, 2009 11:50 PM  
**To:** information@domainspa.com; domainadmin@exoticdomains.net  
**Subject:** email regarding domain w9.com

To Whom It May Concern,

It's come to our attention that your currently in possession of a domain name ( w9.com ) that you recently bought from someone who illegally sold it you.

The real owner of the domain name is my client Gary Grenz and he's owned this domain since 1996. Recently someone hacked into his email account gw3@w9.com and used that to get his domain username/password info. The hacker then setup gw3@w9.com to forward emails to an email address of steve.rice@privatetool.com Then the hacker sold the domain name to you and changed the email address on record for the domain to domainadmin@exoticdomains.net You then transferred that domain to Moniker Online Services, Inc.

I would appreciate it if you can transfer ownership of the domain back to the original owner Gary Grenz.

Also please give us details who illegally sold you the domain so we take legal action against them.

We have contacted Tucows INC and Moniker to file our complaint about the hijacked domain.

Please contact us right away to resolve this issue.

My number is 415-682-3859

Gary Grenz can be reached at 562-746-2970 and by email at ggrenz@verizon.net

Thank you,

Johnny Lee  
Tech Support  
For Domains: <http://123cheapdomains.com>  
For Hosting: <http://www.HostSite.com>

# **EXHIBIT G**



Rupp, Mimi

---

**From:** CustomerCare [CustomerCare@domainspa.com]  
**Sent:** Tuesday, October 13, 2009 10:19 AM  
**To:** help@123cheapdomains.com  
**Cc:** 'Monte Cahn'; legal@moniker.com  
**Subject:** RE: email regarding domain w9.com  
**Attachments:** RE: SPAM-LOW: RE: W9.com is for sale; Domain name: w9.com

Unfortunately, I have no ways to know since I have done all appropriate steps

1. I have received emails from the admin address on WHOIS (see attached 2 emails)
2. I have verified on the domain WHOIS history tools from domaintools.com
3. the transaction went through escrow.com using correct information and according to them with the right party

I buy and sell domains for many years and would not mind to help, but i would need to recover the money spent

Once the funds are received, I WILL TRANSFER this domain do your designated choice

This offer will stand for 7 days. Not responding will clear all future claims

My wiring instructions are below

Mrs Jello, LLC  
Account: REDACTED

Wachovia Bank  
Livingston Town Center  
Livingston, NJ 07039 USA  
973-422-0792

Igal

Ps. What is the reason your email comes from tech support rather than the management of the company?

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- You have accepted the water damage
- The property is not yours to be sold or insured
- The price of the property is not to be sold or insured

[illegible]

2019-2020  
 2019-2020

10/26/2009

I would appreciate it if you can transfer ownership of the domain back to the original owner Gary Grenz. Also please give us details who illegally sold you the domain so we take legal action against them. We have contacted Tucows INC and Moniker to file our complaint about the hijacked domain.

Please contact us right away to resolve this issue.  
My number is 415-682-3859  
Gary Grenz can be reached at 562-746-2970  
and by email at ggrenz@verizon.net

Thank you,

Johnny Lee  
Tech Support  
For Domains: <http://123cheapdomains.com>  
For Hosting: <http://www.HostSite.com>

10/26/2009

# **EXHIBIT H**

Rupp, Mimi

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From: Monte Cahn [montec@corp.moniker.com]  
Sent: Tuesday, October 13, 2009 2:11 PM  
To: CustCare  
Cc: pkarkas@tucows.com; ggrenz@verizon.net; 123CheapDomains.com Support; Moniker Legal  
Subject: FW: [Fwd: Re: email regarding domain w9.com]  
  
Attachments: RE: email regarding domain w9.com



RE: email regarding  
domain w9....

You may want to respond to this Igal - not sure why it is being directed to us.

Best Regards,

Monte Cahn

Founder / President

Moniker.com, SnapNames.com, and DomainSponsor.com are the world leaders in Domain Asset Management including Domain Auctions & Sales, Escrow, Appraisal, Monetization, Registration, Brand Protection, Acquisition, Expired Name & Domain Auction Services and Portfolio Management.

Toll Free: 1-800-688-6311

O: 954-984-8445

F: 954-969-9155

ICQ: 292961812

MSN: moniker-man@hotmail.com

AIM/Yahoo: MonikerDotCom

-----Original Message-----

From: 123CheapDomains.com Support [mailto:help@123cheapdomains.com]  
Sent: Tuesday, October 13, 2009 12:00 PM  
To: Monte Cahn; legal@moniker.com; pkarkas@tucows.com; ggrenz@verizon.net  
Subject: [Fwd: Re: email regarding domain w9.com]

Hello,

You did not do all the appropriate steps for acquiring the domain w9.com

1. I looked at the attached emails and the person who sold it to you sent you an email from steve.rice@privatetool.com

This is not the email address on record for the Whois.  
And Steve Rice is not the owner of the domain name and is not listed on the whois record as the owner.  
At this point you should been suspicious that someone is trying to sell you a stolen a domain.

2. You did not verify the Whois history for the domain.  
If you did, you would notice that the registrant on record is Bayshore LLC and the administrative contact is G Grenz (Gary Grenz)

Please provide with the full information of seller. Who did you transfer the money to? I'm sure it was not Gary Grenz.

If you transferred to money to someone else then you knowingly bought a stolen domain. You say that you've bought and sold domains for many years yet in this case you did not verify ownership of the domain before paying 20k for it.

3. Just because you went through Escrow.com does not make the transaction a legitimate one. Buying a stolen domain is almost as bad hijacking one.

You should contact the crook who sold you the domain and get the money back from him. You have the sellers name, address and other information.

If you truly don't mind helping like said in your response then please transfer this domain back asap to Gary Grenz ggrenz@verizon.net

Johnny Lee  
Tech Support  
For Domains: <http://123cheapdomains.com>  
For Hosting: <http://www.HostSite.com>

**Rupp, Mimi**

---

**From:** 123CheapDomains.com Support [help@123cheapdomains.com]  
**Sent:** Tuesday, October 13, 2009 2:17 PM  
**To:** Monte Cahn  
**Cc:** CustCare; pkarkas@tu cows.com; ggrenz@verizon.net; ggrenz@verizon.net; Moniker Legal  
**Subject:** Re: FW: [Fwd: Re: email regarding domain w9.com]

I sent this response to everyone actually. I sent you copy of my response because I noticed Igal also sent a copy of his response to your email. Can you do anything regarding this hijacked domain situation?

Johnny Lee  
 Tech Support  
 For Domains: <http://123cheapdomains.com>  
 For Hosting: <http://www.HostSite.com>

Monte Cahn wrote:

> You may want to respond to this Igal - not sure why it is being  
 > directed to us.  
 >  
 >  
 >  
 >  
 > Best Regards,  
 >  
 > Monte Cahn  
 >  
 > Founder / President  
 >  
 > Moniker.com, SnapNames.com, and DomainSponsor.com are the world  
 > leaders in Domain Asset Management including Domain Auctions & Sales,  
 > Escrow, Appraisal, Monetization, Registration, Brand Protection,  
 > Acquisition, Expired Name & Domain Auction Services and Portfolio Management.  
 >  
 > Toll Free: 1-800-688-6311  
 >  
 > O: 954-984-8445  
 >  
 > F: 954-969-9155  
 >  
 > ICQ: 292961812  
 >  
 > MSN: moniker-man@hotmail.com  
 >  
 > AIM/Yahoo: MonikerDotCom  
 >  
 >  
 > -----Original Message-----  
 > From: 123CheapDomains.com Support [mailto:help@123cheapdomains.com]  
 > Sent: Tuesday, October 13, 2009 12:00 PM  
 > To: Monte Cahn; legal@moniker.com; pkarkas@tu cows.com;  
 > ggrenz@verizon.net  
 > Subject: [Fwd: Re: email regarding domain w9.com]  
 >  
 > Hello,  
 >  
 > You did not do all the appropriate steps for acquiring the domain  
 > w9.com  
 >  
 > 1. I looked at the attached emails and the person who sold it to you  
 > sent you an email from steve.rice@privatetool.com  
 >

> This is not the email address on record for the Whois.  
> And Steve Rice is not the owner of the domain name and is not listed  
> on the whois record as the owner.  
> At this point you should been suspicious that someone is trying to  
> sell you a stolen a domain.  
>  
> 2. You did not verify the Whois history for the domain.  
> If you did, you would notice that the registrant on record is Bayshore  
> LLC and the administrative contact is G Grenz (Gary Grenz)  
>  
> Please provide with the full information of seller. Who did you  
> transfer the money to? I'm sure it was not Gary Grenz.  
> If you transferred to money to someone else then you knowingly bought  
> a stolen domain. You say that you've bought and sold domains for many  
> years yet in this case you did not verify ownership of the domain  
> before paying 20k for it.  
>  
> 3. Just because you went through Escrow.com does not make the  
> transaction a legitimate one. Buying a stolen domain is almost as bad  
> hijacking one.  
>  
> You should contact the crook who sold you the domain and get the money  
> back from him. You have the sellers name, address and other information.  
>  
> If you truly don't mind helping like said in your response then please  
> transfer this domain back asap to Gary Grenz ggrenz@verizon.net  
>  
> Johnny Lee  
> Tech Support  
> For Domains: <http://123cheapdomains.com> For Hosting:  
> <http://www.HostSite.com>